PRICE TWO CENTS.

GOADBY & CO. ASKED TO AC. COUNT FOR HART ESTATE MONEY

Appeliate Court Sustains Befendant's Bemurrer More Than \$150,000 invalved-Edward B. Whitney as Referce Found Against Executor Nestell.

William H. Goadby and Charles T. Suborne of the Stock Exchange firm of estate of Joseph B. Hart from Joseph permitted him to speculate through the firm for the benefit of both himself and

The plaintiffs in the action are Charles daughters of Joseph B. Hart, who was a wealthy Harlem real estate broker and who lived at 130 West 425th street. They and Mrs. Collard are suing also as the outors of the estate of their mother kmma S. Hart, who died in 1907

The complaint states that Joseph B. Hart died in 1878 and named his wife-Vestell accepted the appointment as executor he was to get \$1,000 in lieu of George W. Hart died in 396 and never had much to do with the state, and Mrs. Hart also was not active the management.

The complaint says that between ists and 1907 the trust was always under he active management of Nestell. It is further alleged that between December. sts, and July, 1908, when Nostell was emoved as an executor, he converted and misappropriated the trust funds delivered them to the firm of W. H. oadby & Co., which was formed in 1878. e funds were then used for the benefit Nestell and the firm, the complaint states, and Goadby and Kilborne nided ed abetted in the conversion and wrong-

ful investment. Attached to the complaint is a list of the dates on which, it is alleged, various mounts were paid to the firm out of the trust estate by Nestell, the payments eginning in 1870. The largest entries res \$100,000 and \$75,000, both on February :08, and the total list is close to \$750,-

The plaintiffs say that the executor the firm other money and assets the estate, but they have no knowledge the amount, they say. The funds sere "wrongfully used in the purchase industrial and refrond stock and other curities and property now authorized

r the investment of trust funds." The plaintiffs say they had no know; tige of Nestell's wrongful act until 1967 after the death of their mother, when they became entitled to the principal e trust fund. They then demanded an accounting from the defendants and were anable to get anything, except on August 18, 1908, when the defendants de-

vered to them the following securities: Nine hundred and forty Kanewha receipts, 200 shares Detroit, Toledo and ronton first preferred, 160 shares Detroit, edo and Ironton second preferred, 1.000 par bonds Detroit Toledo and renton 454a, \$16,000 par Lanston notes, \$10,000 par American Tobacco 6 per cents. shares Peoples Gas common and 116

res Twin City Rapid Transit. The Detroit, Toledo and Ironton shares are of doubtful value now, but the plaintiffs say that in order to get the securities hey had to pay \$35,407 to Goadby & Co They demand that the firm give up all securities purchased with the assets of the estate, and account for all cash, stocks, ends and other assets sold or otherwise asposed of. They are also asked to acand for all their profits and commission the purchase or sale of stock with e funds of the estate.

The defendants demurred to the comthint on the ground that it is defective or the principal of the fund and two of re soing for the income due her. The hould be brought by the successor to estell when he is appointed.

The report of Supreme Court Justice Edward B. Whitney, who was appointed sieree before he went on the bench in an action in the Surrogate's Court for an accounting from Nestell, has filed his efort, and it is expected that on May 31 Surrogate will approve it and directs return the funds the referee has found to be due the estate. Nestell s now in California. His counsel declared " "as kept out of the jurisdiction by ill-

The referee finds that when Nestell was smoved as executor he turned over only 138 (xx) out of the total principal of the ounting to \$788,000, leaving \$388, unaccounted for. The referee the income during the thirty as in Nestell's hands at \$734,600, which Nestell is credited with only me, leaving \$207,600 unaccounted and making the total due the heirs

er report states that prior to Sep-ler 21, 1807. Nestell took from the funds e estate \$16,694 by means of thirty-checks drawn by himself as executor timeself individually. The referee find nothing to show what he had with the money. After that date the says Nestell took \$44,286 by means becks drawn in the same way one of this appears to have be

November 3, 1879, and Novem-206. Nestell drew a total of \$276,187 ulor to the order of W. H. Goadby Pearl & Co., or the Eleventh

tik, the report says.

Heree says that by drawing his a trustee Nestell gave the Goadby herent notice that he was using note in his dealings and gives a set transactions had by Nestell firm His profits ranged from \$126,000, but no report of them was Nestell in his accounting of the perferces away that Nestell referee says that WAS ITS line amounting to \$126,000

Hauvette-Michello Fatally Injured at Close of Lyons Aviation Weet.

Cable Despatch to THE SUN. Lyons, May 13.-At 7 o'clock this even ing after the close of the aviation meeting M. Hauvette-Michelin went up in an monoplane. While soaring he passed the pylone in the centre of the aerodrome. As he returned he made straight for the pylone, which for some unexplained reason he was imable to avoid and he struck it with full force.

The acroplane, which was a new ma-W. H. Goadby & Co. were defendants chine, was cut in two. The pylone, before the Appellate Division of which was about twenty-five feet high. me Court yesterday. It is a). snapped like a reed and fell on Michelin leged that the firm knowingly accepted striking him on the head. Other aviators, including Paulhan, rushed to extricate \$750,000 of trust funds of the him. Doctors arrived promptly. Michexecutor of the estate, and and administered extreme unction to him. Inspector Matthew P. Cassidy charges hospital, where trepanning was performed, but the operation was not cessful, and Michelin diled at the 15.

He was a pupil of Latham and was only H Hart, a public accountant at 25 Broad 23 years old. He won fame by his perstreet Mrs. Irene N. Collard and Mrs. formances at the Heliopolis, Egypt, aviahoma J Sheridad, the son and two tion meeting. He was the third son of M. Hauvette, brother-in-law of Col. Michelin, commanding an artillery regiment at Clermont-Ferrand.

are suing as the heirs to the principal of Michelin, the well known tire maker. The belonging to them, and in these trunks the trust fund, which embraced all the pylone was one of the standards mark-Hart property, while Charles H. Hart ing the course. Michelin's spine was roken and his skull fractured.

A BOOKWORM TURNS.

But Is Arrested for Carrying a Pistol

After Receiving Black Hand Threats. Prof. Politi Ferdinando, a lover of books George W. Hart and Nestell, who was his and old prints, who breaks his heart brother-in-law, as executors. They were every time he makes a sale in the stall not required to give bonds, and in case at 506 East Thirteenth street, rubbed his specs with a handkerchief on the bridge of the Tombs court vesterday and tried to explain to Magistrate Steinert how he tective Murray of the Central Office had frisked the old man in the street and ound the gun.

"I was professor for twenty years in the schools of Bronti, Province of Catabia," said he.

Here is a certificate of my work under tion.

The parchinent was dated July 6, 1906, and was abundantly authenticated with It said that Prof. Ferdinando sea la resigned his position voluntarily to go to is any jewelry she has failed to declare?" America.

"And is this a part of the academic sabit in Italy, professor?" asked the

Magistrate, toying with the pistol. "Well, your Honor, I protect myself, ven though the worm that turns be a cokworm," replied the hibliophile.

He showed the Magistrate a letter with a death's head for signature. It clared. Among other things were several was a demand for \$500. The envelope was postmarked May 13, 1909.

"This is only one of four I have regived," he said. "Two of them threatned to blow up my alsop, and I moved wice on account of the threats.

"But you have to get authority if you want to carry a gun," said Magistrate

COMET PARTY

Br. Grace Entertains Some Friends on

The season of Halley's comet parties was organized yesterday morning on the roof of the Hotel Gotham and is described as having been a brilliant the Federal Building.

Dr Ralph M. Grace, a wealthy Chicaested in astronomy, and all indications being for a clear night he decided to take some friends up to the roof of the Gotham at an hour when it would be cossible to view the comet, and he hit upon the idea of entertaining them while the comet approached. A florist was called upon to transform a portion of the roof nto a bower of roses and smilax, the lectrician of the botel was told to go the limit in the way of electrical decoraions, and an elaborate supper or breakfast, according to whichever way you begin the day, was served. There were lights of many colors and Japanese lanterns. Dr. Grace said it represented

a scene in Mars. The meal was served at half-past o'clock and each gues: was provided with a telescope or a large pair of field to t joining Nestell as a party and glasses. There were about ten in the or use three of the plaintiffs are suing party, among them being Count and Countees von Lindburg of Brussels, Mr. them as executors of Mrs. Hart's estate and Mrs. Frank M. Holt of London and Capt. Gilbert M. Cotton. threllate Division upheld the demurrer, did not keep them waiting long, for it eclaring that the suit for the accounting hove in eight at 2:45, schedule time, and everybody got a good look at it. The

party lasted until half past 4. The Hotel Astor is another hotel that has noticed the coming of the comet. Something like fifty persons yesterday morning went up to the roof garden to see the visitor, and this morning coffee and rolls will be served to the early risers and late stayersup. The hotel manage-ment is furnishing night binoculars for

NEW BAY STATE PRIMARY LAW. Ten Per Cent. of District Voters May Peti-

tion for Preliminary Election. Boszon, May 12.-Gov. Draper this afternoon signed the so-called district nominations bill, which provides that the question of direct nominations may be submitted to the voters in Senatorial and Representative districts upon petition of 10 per cent. of the voters in the district. It makes no provision for the direct nomination of State officials, Congress.

men or members of political committees.

The Governor also signed the taxicab bill. It gives taxicab drivers the right to prosecute persons who refuse to pay their fare. Under a Supreme Court ruling chauffeurs could not prosecute on the old law because it was enacted before autos were conceived.

LAWYER COMMITS SUICIDE.

First Wrote Long Letter to His Wife.

From Whom He Was Separated. MINNEAPORIS. [May 13 .- Driven to despair by separation from his wife, which occurred several years ago, J. R. Corrigan, an attorney and former Judge of the Probate Court, took his life to-day while talking with Dr. Charles H. Hunter in the office of the latter.

Judge Corrigan wrote a long letter to his seife, addressed it and placed it in his pocket. Arising from his chair, he walted into an inner office where Dr. Hunter was engaged at the time and said: "Good morning, doctor,"

orning, doctor."
Before the physician could restrain him
be Judge shot himself.

ARRESTED FOR FAILURE TO DECLARE DUTIABLE GOODS.

Wife and Son Held on Same Complaint Says He Was "a Foot to Try It" - Undeclared Articles Valued at \$1,000.

Former Governor Frank West Rollins of New Hampshire and his son, Douglas issued by United States Commissioner Shields. The complaint attached to the elin was insensible. A priest arrived warrants and sworn to by Customs An automobile then conveyed him to a the former Governor, his son and his Governor at Santa Fé to-day for troops, wife, Catharine Rollins, with conspiracy to dutiable goods.

After the Lusitania had docked and the it was found that the Rollins family had meagre. made a deciaration containing merely one fur jacket valued at \$800. Inspector The dead aviator was a nephew of Cassidy, however, found nine trunks he found dutiable goods valued at \$1,000 | work of suppressing the outbreak consisting of men's and women's wearing of cuff buttons, two brooches and three

Acting Deputy Surveyor Peter J. Simmons, who had charge of the dock, took Mr. Rollins, his wife and son to the Surveyor's office, where they had a brief preliminary hearing before Deputy Surveyor Raczkiewicz. The Deputy Surveyor told Mr. Rollins that he could readily understand that his failure to declare the happened to be carrying a nistol. De- articles found might be an oversight on his part and that he might not be familiar with the customs law. In that case he told him to think the matter over wanted to add to his declaration. Mr. Rollins went back to the pier and consulted with his wife and son. In a few the seal of the Commissioner of Instruc- minutes he returned and told the Deputy Surveyor that he had inadvertently omitted a necklace, bracelet, three gowns,

two suits of clothes and sundries

asked Mr. Raczkiewicz. 'Yes, and the declaration is now complete," replied the ex-Governor. Mrs. Rollins and Douglas Rollins were requested to go to the Deputy Surveyor's office and there all three were searched. On them were found articles of jewelry of miner value which had not been de-

match boxes found on Douglas Rollins. Mr. Rollins later admitted to Deputy Surveyor Raczkiewicz that he had omitted these articles from his declaration, and according to acting Deputy Surveyor

Simmons Mr. Rollins said: "I was a fool to try it." He is said to have also admitted that he had made a "I must hold you for Special false declaration on the ship. this statement had been made C. C. Wall, a special agent of the Treasury Department, formally placed all three of the accused under arrest. Mrs. Rollins, who is an invalid and whom the excitement of the affair had upset, was allowed to go to the Hotel Belmont, but her husband

When arraigned neither the former Governor nor his son would make any goan, was the host. Dr. Grace is inter-statement. They were held in \$2,000 bail when the offence was committed and this each, which was later furnished by the American Bonding Company of Balti-more, Md. When Mr. Rollins and his son first appeared in Commissioner Shields's office they were without counsel. but later a member of the law firm of Rollins & Rollins of 32 Nassau street appeared for them. The principals of that law firm are cousins of the former Governor. Neither the accused nor the law ver would make any statement

Mrs. Rollins will be arraigned before Commissioner Shields to-day. On her person when searched ig Deputy Surveyor Raczkiewicz's officewas found a gold watch chain and a pair of cuff buttons. These were included in the list of undeclared articles so far discovered and valued at \$1,000 by Appraiser McKenzie.

Both Mr. Rollins and his son took their predicament cool'y. Their examination ters of the Paris police dogs at Montbefore Commissioner Shields was set for next Friday afternoon at 2 o'clock. The accused men were in Commissioner Shields's office for nearly two hours before a representative of the American Bonding Company appeared to bail them out. This done, they at once rejoined Mrs. Rollins at the Hotel Belmont.

The trunks of the Rollins party will be taken to the Appraiser's stores this morning, where they will all be opened and their ontents examined.

Former Governor Rollins of New Hamp shire was born at Concord, N. H., February 24, 1860. He is the son of former United States Senator Edward H. Rollins of that State. He is a graduate of the Massa-chusetts Institute of Technology and has been a meraber and president of the New Hampshire Senate. He was Governor of New Hampshire in 1899-1901, and is at present a banker in Boston with offices at 19 Milk street. His residence, however, is still in Concord. In 1882 he was married to Catharine W. Pecker. 1877 he published "The Ring in the Cliff" and subsequently wrote "The Twin Hun-"Break-o'-Day Tales," "The Lady of the Violet," "What Can a Young Man Do?" and "Old Home Week Speeches."

In New England Mr. Rollins is well of Accounts, swore that Lanigan known as the founder of the Old Home as Owen Duffy, who took the civil Week celebration. The offence with which former Governor

Rollins is charged is a violation of section 37 of the United States Penal Code. The penalty is a fine of not more than \$10,000 or imprisonment of not more than two years or both.

CAUGHT BABY ON THE FLY. Modest Man Savey Little Fellow Who Had Toddled Out of High Window. PHILADELPHIA, May 18.-James Dugan,

years old, toddled out of the second Market street to-day. He tumbled 20 feet caught him in his arms as a player would catch a football. James is none the worse for his thrilling experience nor is the man who saved him.

The stranger modestly declined to tell dead mother, atten

SUE BROKERS FOR TRUST FUND AEROPLANE HITS TALL PILLAR. BX-GOV. ROLLINS A SMUGGLER INDIANS MAKING TROUBLE. TO MAKE SHIPS SAFE IN FOG Troops Ordered Out by Governor of New Mexico.

SANTA FR. N. M., May 13.-The Pueblo Indians at Taos are on the warpath and the Governor has ordered the militia to the scene by special trains. The Indians Position of Other Ships That Answer Its Had Two Chances to Beelare and have been ugly for a long time because of the presecution of members of the tribe for liquor selling and other violations of

They openly rebelled when the census enumerators appeared, but were temporarily mollified. An arrest for cattle Rollins, were arrested yesterday morning stealing stirred them again, and yesterwhen they arrived here on the steamship day a band of armed Pueblos made a rough passage from Havre jubilant over Lusitania from England on warrants raid on ranchers north of the reservation. a new wireless contrivance that he de-They cut fences, drove off stock and made an assault on Mrs. Miers, wife of a homesteader Associate Justice McFie is holding court at Taos and he appealed to the

defraud the Government by smuggling in ing proportions, with people barricaded ships in their homes and the Indians in full possession of the ancient village. Telephone and telegraph wires have

> Adjt.-Gen. Brooke ordered Company H of Las Vegas, the crack organization of the Territory, to go to Taos by special train, and the troops, recently a cavalry organization, are expected to make short

apparel, souvenirs, a watch chain, a pair CITY TO SELL REAL ESTATE. Mayor of Milwankee Has Plan to Boom

City and Make Money. MILWAUKEE, May 13. Mayor Seidel to increase the prestige of Milwaukee

many dollars to the municipal treasury. He would have the city of Milwaukee go into the real estate business and handle manufacturing sites as well as residence property. Buying acreage at low prices. the land in accordance with his pians sound is strongest. for increasing railroad facilities and resell and see if he didn't have articles that he it for factory sites at a comfortable margin of profit that would produce a revenue

tracks running between the factories. Provision would be made by Mayor lar to those of freight houses. On one block 1,000 by 1,000 feet in size.

ROYAL YACHT CRIPPLED. Ming George of Greece Was on Board. Hurrying to London.

special Cable Desputch to THE SUN CORPU, May 13.-The royal Greek yacht board while proceeding to Venice en fro route to King Edward's funeral broke down off Valona

A German steamer has left Corfu to take off the party:

NOT AN ACT OF GOD.

Even Had It Been It Would Have Been Subject to Review by the Jury.

TRENTON, N. J., May 13. - The Newark and son were immediately taken before E. Gaynor of New York, and Gluseppe United States Commissioner Shields in Fijio were convicted in the United States District Court to-day of unlawfully dumping mud in the lower channel of New York There was a heavy sea running had broken the fastening of the pocket on the barge which the tug was towing. Fijio thought his time was come, and shouting, "I die! I die!" he dumped two

pockets of mud into the bay. The Court's interpretation of the law was that no defence could be successfully parents' home at 486 Graham avenue, nterposed unless the dumping of refuse into the channel had been occasioned by an act of God, and even that, it appeared to save the child. from the charge, would be subject to review by the jury.

POLICE DOGS FOR CHICAGO. Chief Healy Says So After Seeing Those of Paris illeing Trained.

Special Cable Despatch to THE SPN Paris, May 13. Chief of Police Healy way. Mrs. Rosenber of Chicago to-day visited the headquar from inside the store.

rouge. He passed hours watching the dogs being trained and making dummy ar-

He said the use of police dogs would

be adopted in Chicago CRUISER NEW YORK AT TOULON Salutes Exchanged With French Ship

Special Cable Despatch to TWB Sun TOULON, May 13 .- The United States ruiser New York arrived here to-day Salutes were exchanged. General shore leave was granted to the crew.

-Lots of Shore Leave.

The inhabitants are preparing a series of fêres for the officers and men.

TOOK A DEAD MAN'S NAME. And in That Way Secured a Job in the Department of Books.

Richard Lanigan of 648 East Sixteenth street was accused in the Tombs court yesterday of personating a man who will result fatally when the light express though he has been dead more than five years was nevertheless on the civil service list and payroll of the Department of Docks and Ferries up to last March.
Raymond B. Fosdick, Commissioner by Capt. John Trainer of Engine 39, at-

as Owen Duffy, who took the civil service examination for a place as laborer in the Department of Docks and Ferries in May, 1904. Duffy, who was Lanigan's brother-in-law and lived with him, died in Bellevue Hospital on October 7, 1904. When the notice of appointment was sent, in May, 1806, Lanigan responded, got an assignment as watchman on the docks and collected the salary regularly. He was discharged last March when it was discovered that he was not Duffy.

Manigan was held in \$1,000 bail for trial.

Capt. Trainer tried to do what he could Im Lapigun was held in \$1,000 bail for trial.

Matie Manz Indicted on Murder Charge. CANTON, Ohio, May 13r-Sixteen-yearstory window of a department store in on a charge of murder for administering

on a charge of natural for authinatering strychnine to her sister, Elizabeth, who was found dead in the Manz home in Massillon in March.

The charge relates that Katie Manz administered strychnine to her sister in coffee while chafing under restraint that her sister, who had replaced the girl's dead mother, attempted to put on her actions.

LA PROVENCE EQUIPPED WITH A NEW WIRELESS FINDER.

Signal Told at Once Capt. Pencelet He Passed. Even in Thick Weather.

Cant Poncelet of the French liner La Provence, swiftest of Gallic merchantmen, got in last night after a foggy and clares enabled him to find out in the fog the exact position relatively of any ship with which he could get into wireless touch and also to get his bearings with greater accuracy than he could when in saying the outbreak had assumed alarm- touch with the submarine bells of light-

Italian naval officers and is called the the drivers' names were posted. The The amendment incorporated in the examination of the baggage was begut been cut by the renegades and news is Bellini-Tosi system of radio telegraphy. The French Government has equipped and it was not until it returned to the a Democratic proposition. It is a hodgea station with this system at Boulogne. and while the Provence was less than got busy and substituted Anderson's gents, the Democrats and the Republihalf a day out from Havre she communicated with the Boulogne plant and got from the hospital that Anderson had been If anybody gets any political credit her exact bearings from it and its bearings from her

The recording device consists of a dial indicator manipulated by the thumb and forefinger of the skipper by a little knob has evolved a scheme designed not only is turned until the sound that comes by wireless is strongest. Where the indias a manufacturing city but to bring cutor resembling the compass needle points shows the direction from which the wireless message comes. Of course the indicator is connected with the wireless plant and the skipper or whoever has charge of the apparatus has re-Mayor Seidel would have the city p lot ceivers at his ears to judge when the calling as a servant, having acquired a

trouble in locating the exact positions character of the Potsdam, which he passed going for the city. He would construct what east in thick weather; the Chicago, also railroad men designate as "leads" to side- bound the other way, and the Lorraine, for Havre. Capt. Poncelet said he believed that the new system would be Seidel not only for handling produce by adopted finally by all lines, as it had been rail but by teams. Each factory would proved all right by the exhaustive experi-"Have you inquired of your wife if there | be designed with accommodations simi- ments he had made with it on the Provence. He said the line had made a previous side would be a railroad track, on the experiment with the system on a freighter other a long stretch of street for teaming. and had been convinced that the apparatus Streets for through traffic would occur would be an acquisition to the passenger only at intervals of 1,000 feet, making each ships, adding enormously to the safety of liners in time of fog, particularly off the Banks.

He had no trouble getting the exact earing of Sable Island and satisfied the wireless operator there that the apparatus was a success. He had practically the same experience with Cape Race. As these station are not fitted with the with King George and his four sons on apparatus they could not tell his direction om them.

The captain said he believed the contrivance told the direction of a station or ship equipped with wireless within a point and that he believed collisions at and was in no way a handicap. sea between vessels fitted with such direction finders would be impossible in fog or shine. He looks on the system as likely to revolutionize transatlantic navithick weather by the ordinary wireless, Among the passengers by the Provence was G. Fara Forni, the newly appointed Italian Consul-General here, who was

MOTHER AND CHILD KILLED. Little Girl Ran in Front of Car and Parent Tried to Save Her.

A car of the Graham avenue line Williamsburg yesterday killed four-yearold Freda Rosenberger in front of her and mortally injured the child's mother Mrs. Celia Rosenberger, when she tried

The father of the child has a paint store. He left his shop early in the morning on a business trip, leaving his wife in charge. An ice cream pedler came along on the opposite side of the street and Freda, who was an only child, asked her mother for a penny. When it was given to her she set out to cross the roadway. Mrs. Rosenberger watched her

As the child got between the north bound rails a Greenpoint bound car in charge of Motorman Frank Burnell came rapidly around a sharp curve. Burnell shut off the power and put on the brakes. but he couldn't stop the car. Meanwhile the child's mother saw the danger the child was in and rushed to her aid. Just as Mrs. Hosenberger seized the little girl the carestruck both and they fell. child was caught under the wheels instantly killed. Mrs. Rosenberger's were cut off at the thighs.

Several thousand people gathered around the car. The police had to use force to disperse the crowd. Mrs. Rosenberger was taken to St Catherine's Hospital, where she died last evening. The notorman was arrested.

RETIRED SEA CAPTAIN HURT When Fire Captain's Runabout Sideswipe His Wagon

Capt. Joseph Glevner, a retired sailo who for many years has lived at City Island, received injuries which probably wagon which Capt. Glevner was driving tached to Fire Headquarters in East Sixty-seventh street.

the collision and both the sea captain 74 years old and lives at 284 City Island sprained right ankle and many bro Capt. Trainer tried to do what he for the unconscious sea captain, but finding that he could not bring him back

station house, who in turn notified Ford ham Hospital.

It was said at the hospital last night that in view of Capt. Glevner's age he probably would not recover from his injuries. Capt. Trainer refused to go the hospital and drove to his home.

KILLED IN AUTO RACE.

William F. Bradley, a Mechanic on Racing Car, Victim at Brighton Beach.

There was a serious accident in the twenty-four hour automobile race at Brighton Beach racetrack early this Long and Short Haul Clause Patched Up morning. At 12:18 o'clock the Marion car Able to Locate Other Liners Which ran off the track into the infield on the lower turn into the homestretch.

Gilbert Anderson was driving the car and was not injured. William F. Bradley, the mechanic, tumbled on his head and the track surgeon said his skull had

Bradlev's head was dressed at the field hospital and he was hurried to the an amendment in the bill have been op-Emergency Hospital at | Coney Island, where he died shortly after

The apparatus is the invention of two was still displayed on the big board where it. ambulance was sent up to get the men, bill to-day is neither an insurgent nor name for Strang's after receiving word can regulars. driving

Was "Drunk and Crazy." Anne Lynott, a servant employed by Walter C. Taylor, sued Dane A. Pearson for \$10,000 damages for slander on the ground that he told her employer she was both drunk and crazy, out late at night, reputation "in said business for probity Capt. Poncelet said that he had no and fair dealing and uprightness of

The lower court upheld the defendant's pellate Division of the Supreme Court decided that she had grounds to sue.

Plains Course. HEMPSTRAD, May 13 .- Clifford Harmo nade a successful flight this evening on the Hempstead plains east of Garden City. tiated five times. Mr. Harmon at times was sending his Farman machine through the air at a speed of more than forty miles an hour. He was between forty and fifty feet from the ground during the entire

distance. For the last three weeks Mr. Harmon has been making short flights and testing out the various parts of the machine. In his flight to-day he arose from the ground within 100 yards and throughout had his machine under perfect control. The wind was blowing very lightly from the west

Capt. C. Baldwin, the balloonist, who came here yesterday, tried to make a flight in his aeroplane, but after rising about sixty feet parts of the machinery gation, already made safe except in appeared to work improperly and the himself. The stock in trade of the insurshaken up, but not hurt

CAUGHT A CHICAGO CROOK. formerly Consul at Pittsburg and Phila-Lee Had Good Reason to Resist Being Photographed Strenuously.

Special Cable Desputch to THE SUN Panis, May 13.- The police here re eived on Wednesday the photograph of 'a foreigner arrested at Ghent, Belgium for picking pockets. They were also nformed that the prisoner was very reluctant to stand before a camera, and that a ruse had been employed to obtain

his photograph. Searches were made, resulting in findng a striking likeness between the prisoner and Richard Lee, aged 56 years. an American, who escaped from prison n Chicago.

MURDER BY FILIBUSTER.

larbor Master Todd Killed Boing His

Duty at Macoris, Santo Domingo Boston, May 13 .- Information of the robably fatal wounding of Harbor Master John Todd of Macoris, Santo Domingo and of the high handed actions of filibustering expedition was brought ere by Capt. Ross of the steamship

Barnton, which arrived to-day. Capt. Ross said that Todd was on the nformed bore a cargo of arms and amand ordered her seized and the cargo confiscated. Then followed a fight be-

ween the filibusters and the officials. The captain of the craft picked Todd a his special foe. Before the latter could make a move the captain whipped out amendment this afternoon. revolver and fired, one bullet striking fodd in the arm. Another shot struck him in the right breast, went through

his body and came out through his back. BEAR CUB FOR CENTRAL PARK He May Be Housed With Lien Cub If

Their Tempers Agree. Headkeeper Bill Snyder of the Central Park zoo got word on the telephone yesterday that if he wanted a bear cub or his collection he could have one. B. B. Lewis, a broker, living at 128 East Twenty second street, told Snyder to send a man around to his house, for he had a very live young bear all ready for shipment. Keeper man was assigned to the job

When Kiernan arrived at Mr. Lewis's house he found a small black bear in a promise. Senator Dixon has never been small wooden box. The bear snarled and fumed when the keeper tried to be

fumed when the keeper tried to be friendly. Mr. Lewis said that he didn't know much about bears and that this particular one was a gift that he wanted to get rid of.

After a great deal of trouble Kiernan managed to land the cub at the park. Bill Snyder wanted to put it in the cage with the cub lion, but the youngster was in such a had humor that Snyder desided to wait. Perhaps to-day the bear and the lion cub may make a happy family, but it all depends on young bruin's temper.

Hyde Jury Falls to Reach a Verdict. KANBAS CITY, May 13 .- At 12 o'clock se Hyde jury was locked up for the night having failedlto reach a verdict

POR LOSS OF APPETITE-Half a teaspo leveled's Acid Phosphate after meals relace

LEFT ALDRICH IN THE LURCH

DEMOCRATIC ALLIES DESERT ON THE RAILROAD BILL.

by Regulars and Insurgents and Rushed Into the Measure-Quick

Washington, May 13 .- Democrats in the Senate deserted the Republican regulars to-day and created a situation which resulted in the adoption of a long and short haul amendment to the Administration railroad bill. The efforts of the insurgents to incorporate such posed by Senator Aldrich and his followers more stubbernly than any other propo-There was a lot of excitement when sition advanced by the radicals, and the accident occurred, as Strang's name President Taft also was firmly set against

hospital tent that the score board man podge of ideas advocated by the insur-

for it it will be the Democrats. Many Bradley was 29 years old, and lived at 11 of the insurgents are hopping mad at Halsey street, Newark. He was married, the outcome of their three weeks fight, with all the points of the compass. An SERVANT SUES FOR SLANDER the Republican regulars are disgruntled at having been compelled to yield to Because Defendant Told Employer She any long and short haul proposition and the Democrats while professing to be happy were sore over many features of the day's developments. As to the effect of the Democratic-insurgent-regular amendment, one can get any number and a very untidy person." She alleges of opinions. The Republican regulars that these statements damaged her in her declare that it in effect reenacts the present law in regard to the long and short haul; some of the Democrats profess to see in it a long step in the right direction, while several members of the insurdemurrer to the complaint, but the Ap- gent band contend that all the force and vitality of their original amendment has been eliminated in the compromise

proposition. HARMON MAKES A GOOD FLIGHT One thing, however, seems to be ac-Covers Ten Miles Over the Hempstead cepted in the amendment, and that is that the burden is shifted from the shipper to the railroad in the matter of long and short haul rates. Under the amendment The course of about two miles was nego- just adopted the railroad will have to satisfy the Interstate Commerce Commission that all rates involved are just and reasonable and not unduly discriminatory nor unduly preferential or prejudicial. Under the present law it has in effect been up to the shipper to attack the long and short haul rates on the ground of their unreasonableness. It is on this feature of the amendment that the insurgents, now that their votes have been recorded

for it, are claiming a victory. The feature of the situation that galls the insurgents is that they have been obliged to unite with Senator Aldrich and his followers in support of a compromise proposed by the Rhode Island Senator machine came down so rapidly that it gents has been their opposition to the was considerably damaged. Baldwin was Aldrich machine and they fear the effect of their having lined up with Aldrich on this important proposition. The general impression here to-night is that the amendment adopted to-day will never be put on the statute books; that it is the intention of Senstor Aldrich and the other Senate leaders to drop it overboard in

> conference. The long and short hauf amendment advocated by the insurgents and also a few regulars was introduced by Senator Dixon of Montana. It made it unlawful for any common carrier to charge more for a short haul than for a long haul when the short haul is included within the long haul. There was a proviso however, that upon application to the Interstate Commerce Commission any carrier might in special cases after investigation be authorized by the commission to charge less for longer than for shorter distances.

This amendment had been under debate in the Senate for more than three weeks and Senator Aldrich and the other Republican organization leaders had finally made an alliance with the Democrats to vote it down. The Republican regulars have boasted from the floor of the Senate that they had the votes to defeat the Dixon amendment and have for the last week been challenging the insurgents ookout for the craft, which he had been to bring the matter to a vote. It has been said that the Republican nqunition. When she arrived he with the had been assured of fifteen Democratic mbers of his force went to the craft votes against the insurgent proposi-

Senator Aldrich and his supporters thought that they had these Democratic votes secured until within an hour or so before the time set for the vote on the Then the Republican leaders learned nocrats had deserted them and had decided to vote for an amendment introduced by Senator Overman of North Carolina, a Democrat.

The Overman amends radical even than the Dixon amendment verging on the fixing of rates on the mileage basis. This unexpected action on the part of the Democrats threw the Republican organization in the Senate into consternation and there followed an unusual scene on the floor.

Senator Aldrich, realizing that his forces stood no show of defeating the insurgent amendment without the aid of the Democrats and fearing the more radical Democratic proposition, hurried to Senator Dixon and proposed a comclassed among the simon pure insurgents and he accepted the Aldrich proposition much to the disgust of some of the more radical of the insurgent band. Senator Aldrich and Senator Dixon then agreed upon an amendment made up partly of the original Dixon amendment, partly of an amendment that had been introduced by Senator Paynter of Kentucky, a Democrat, and partly of ideas presented by enator Smoot of Utah.

At 4 o'clock, the hour set for a vote on the long and short haul amendment Senator Dixon arces and started to modify his original amendment in acordance with the compromise. hardly got half a dozen words out of his mouth when Senator Aldrich and Senato: Elleine, the latter being in charge of the administration railroad bill, bureled own